



Teaching
Regulation
Agency

Mr Sean Ward: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

May 2023

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Mr Sean Ward

Teacher ref number: 1333065

Teacher date of birth: 18 August 1989

TRA reference: 19941

Date of determination: 16 May 2023

Former employer: Felixstowe School, Suffolk

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 15 to 16 May 2023 by way of a virtual hearing, to consider the case of Mr Sean Ward.

The panel members were Miss Sue Davies (lay panellist – in the chair), Mr Alan Wells (former teacher panellist) and Miss Rachel Kruger (teacher panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Leah Redden of Browne Jacobson LLP solicitors.

Mr Ward was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 20 February 2023.

It was alleged that Mr Ward was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the head of science at Felixstowe School:

1. Between June 2018 and December 2019 he engaged in and/ or developed an inappropriate relationship with Pupil A including by:
 - a) Contacting her by email and/or telephone;
 - b) Engaging in inappropriate conversations with her;
 - c) Discussing matters of a sexual nature with her;
 - d) Requesting that Pupil A send one or more explicit images of herself to him;
 - e) Offering to pay Pupil A in exchange for one or more explicit images of herself;
 - f) Receiving one or more explicit images of Pupil A;
 - g) Discussing and/or requesting that Pupil A meet him 1:1;
 - h) Discussing and/or requesting that Pupil A share a hotel room with him;
 - i) Discussing and/or requesting that Pupil A engage in sexual activity with him; and
 - j) Stating to Pupil A that he would “dominate” her or words to that effect;
2. His conduct as may be found proven at Allegation 1(a)-(j) was notwithstanding that Pupil A was a vulnerable pupil; and
3. His conduct as may be found proven at Allegation 1(a)-(j) was conduct of a sexual nature and/or was sexually motivated.

As set out in the statement of agreed and disputed facts dated 13 May 2022, Mr Ward admitted allegation 1(a), 1(b), 1(c), 1(f) and 2, although in relation to allegation 1(f) Mr Ward submitted that he did not view the images. Mr Ward denied allegation 1(d), 1(e), 1(g), 1(h), 1(i), 1(j) and 3.

Mr Ward further admitted that those admitted facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

Application to proceed in the absence of the teacher

Mr Ward was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Ward.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Ward in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the 'Procedures'). The presenting officer stated that the bundle included the original notice of hearing which was sent to Mr Ward's last known address and the application bundle contained the hearing relist letter which contained all applicable information including details of the revised panel members. The presenting officer also provided written information to show that Mr Ward and his representative at the time had confirmed that Mr Ward did not intend to be present.

The panel concluded that Mr Ward's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Ward had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Ward was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible bearing in mind that Mr Ward was neither present nor represented.

Application to admit additional documents

The panel considered a preliminary application from the presenting officer for the admission of additional documents.

The presenting officer's documents were an email from Mr Ward addressing his response to the allegations and a second email showing when Mr Ward's undated letter was sent which was on 8 April 2023.

The documents subject to the application had not been served in accordance with the requirements of paragraph 5.37 of the Procedures. Therefore, the panel was required to

decide whether the documents should be admitted under paragraph 5.34 of the Procedures.

The panel heard representations from the presenting officer in respect of the application.

The panel considered the additional documents were relevant and that it was fair to admit them. Accordingly, the documents were added to the bundle.

Consideration for part of the hearing to be heard in private

The panel considered the issue regarding Mr Ward's [REDACTED] matters and the fact that, even though there was no formal privacy application, whether the hearing could move into private session as and when these matters arose. The panel considered that the matters relevant to Mr Ward's [REDACTED] legitimately related to aspects of Mr Ward's private life. There was no contrary public interest in those areas being discussed in private. The hearing was still being held in public and these were discrete and limited areas which would not undermine the public's ability to otherwise understand the case.

The presenting officer did not have an objection to this.

The parties therefore agreed to move between private and public session during the hearing in order to discuss Mr Ward's [REDACTED] matters.

Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

- Section 1: Chronology – page 5
- Section 2: Anonymised pupil list – page 7
- Section 3: Notice of proceedings – pages 9 to 20
- Section 4: Statement of agreed and disputed facts – pages 22 to 25
- Section 5: TRA witness statements – pages 27 to 113
- Section 6: TRA documents – pages 115 to 285
- Section 7: Teacher documents – pages 287 to 290

In addition, the panel agreed to accept the following:

- Additional Document – pages 291 to 294

- Email confirming dates – pages 295 to 296
- Bundle regarding proceeding in the absence – pages 297 onwards

The panel and the presenting officer also discussed and agreed some cross-referencing errors relevant to the original bundle of documents. In particular, the presenting officer noted that the exhibit at page 88 should be the document at page 207. The presenting officer also confirmed that there was a typographical error in allegation 3 on page 23 of the Statement of Agreed and Disputed Facts which said “*anomalously*” instead of “*anonymously*.” In addition, the presenting officer confirmed that the LADO document listed on page 221 of the bundle but which had not been included in the bundle should have been removed from the list.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Pupil A
- Individual B – [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

On 16 August 2018, Felixstowe Academy (‘the School’) was contacted by an ex-member of staff who informed the head teacher that a pupil had sent them a message on social media disclosing that Mr Ward had made inappropriate and sexual comments to the pupil via phone and social media.

A meeting with Pupil A was held on 30 August 2018 to discuss the disclosure. Mr Ward was informed about the allegations made by Pupil A. A referral was also made to the LADO and Mr Ward was suspended.

A LADO strategy meeting was held, on 7 September 2018, whilst the police investigation was ongoing. Mr Ward tendered his resignation from his post at the School on 30 December 2019.

Following the conclusion of the police investigation, a LADO strategy meeting was held on 28 January 2021. Following this, the School conducted an internal investigation which

was completed on 10 March 2021 and a disciplinary hearing was held later that month, on 24 March 2021, to consider the allegations.

The disciplinary hearing outcome was confirmed in writing to Mr Ward on 29 March 2021 following which a referral was made to the TRA.

Findings of fact

The findings of fact are as follows:

The panel heard from the witnesses identified above. Mr Ward provided a response to the allegations but no evidence to the panel.

The panel noted that, within the statement of agreed and disputed facts dated 13 May 2022, Mr Ward admitted allegation 1(a), 1(b), 1(c), 1(f) and 2, although in relation to allegation 1(f) Mr Ward submitted that he did not view the images of Pupil A. Mr Ward, however, denied allegation 1(d), 1(e), 1(g), 1(h), 1(i), 1(j) and 3.

The panel considered the following particulars of the allegations against Mr Ward and made findings for the reasons set out below:

1. Between June 2018 and December 2019 he engaged in and/ or developed an inappropriate relationship with Pupil A including by:

a) Contacting her by email and/or telephone;

The panel noted that this allegation was admitted.

The panel noted that Mr Ward admitted that he engaged in an inappropriate relationship with Pupil A. Mr Ward admitted that he contacted Pupil A via email and telephone, and that he initially used a mobile phone to text Pupil A anonymously. Approximately one month later, Mr Ward provided his personal email address, although he submitted that his intention was to provide support to Pupil A. Mr Ward further admitted that whilst communicating with Pupil A, he engaged in inappropriate conversations and discussed matters of a sexual nature with Pupil A.

In June 2018, Pupil A submitted that she received some messages from an anonymous phone number which said something to the effect of “*how are you?*” This was shortly after [REDACTED] and [REDACTED]. Pupil A submitted that she worked out that it was Mr Ward who was messaging her and called the number during class when [REDACTED]. At the end of the lesson, Mr Ward and Pupil A had a discussion in which he admitted that he had texted her anonymously. At the end of term, Mr Ward then provided Pupil A with his personal email address. Pupil A expressed that she was not upset by Mr Ward messaging her, as she believed he was probably worried about her, but she was surprised that he would do something so risky.

The panel noted that some of the email exchanges between Pupil A and Mr Ward were included in the bundle and that the police investigation had found anonymous text messages. The panel noted that there was therefore documentary evidence that email and text contact had taken place. This evidence included emails from Mr Ward's personal email address. Having reviewed the relevant email exchanges in the bundle, the panel found that the content included some very personal matters, contained offensive and foul language and was generally inappropriate. The panel was particularly concerned that Mr Ward's initial contact was made anonymously [REDACTED].

The panel found that this contact amounted to Mr Ward engaging in and/or developing an inappropriate relationship with Pupil A by contacting Pupil A by email and text in the relevant timeframe.

The panel found allegation 1(a) proven.

b) Engaging in inappropriate conversations with her;

The panel noted that this allegation was admitted. Notwithstanding this, the panel noted that some of the email exchanges between Pupil A and Mr Ward were included in the bundle. As above, the panel noted that the email conversations between Pupil A and Mr Ward contained expletives and the sharing by both of them of very personal matters including their relationships. Although the panel noted that Pupil A had commented on having knowledge of very personal information about Mr Ward, the panel was aware that Mr Ward was not present to give evidence contrary to this. As such, the panel considered the appropriate amount of weight to be attached to it because of it being hearsay evidence. However, the panel found that, notwithstanding this, the email conversations in the bundle alone amounted to sufficient documentary evidence of Mr Ward engaging in inappropriate conversations with Pupil A.

The panel found that this contact amounted to Mr Ward engaging in and/or developing an inappropriate relationship with Pupil A by engaging in inappropriate conversations with her in the relevant timeframe.

The panel found allegation 1(b) proven.

c) Discussing matters of a sexual nature with her;

The panel noted that this allegation was admitted.

The panel noted that Mr Ward admitted that whilst communicating with Pupil A, he engaged in inappropriate conversations and discussed matters of a sexual nature with Pupil A. The panel noted that Pupil A had given both written and oral evidence about discussions that she had with Mr Ward regarding their sexual and personal relationships including Pupil A's [REDACTED]. The panel was aware that Mr Ward was not present to give evidence about this. However, the panel found that Mr Ward had engaged in

discussions with Pupil A regarding photographic images of herself of a sexual nature and which were in fact shared with Mr Ward.

The panel noted that the email exchanges between Pupil A and Mr Ward in the bundle contained coarse and inappropriate language which could be interpreted in places as having an undertone of a sexual nature. In addition, the panel considered that the matters discussed surrounding images of Pupil A being shared with Mr Ward also showed that there had been a discussion of a sexual nature for the purposes of this allegation.

The panel found that this contact amounted to Mr Ward engaging in and/or developing an inappropriate relationship with Pupil A by discussing matters of a sexual nature in the relevant timeframe.

The panel found allegation 1(c) proven.

d) Requesting that Pupil A send one or more explicit images of herself to him;

The panel noted that this allegation was not admitted. Whilst the panel noted that Mr Ward had admitted to having received the explicit images of Pupil A (although he denied viewing them), it could not find sufficient evidence, either written or oral, that Mr Ward had requested the same. The panel felt that Pupil A's recollection was plausible, but the panel was not satisfied that there was sufficient evidence to prove on the balance of probabilities that Mr Ward had requested the explicit images.

The panel noted that, in Pupil A's oral evidence, she was unable to recall whether Mr Ward had requested the images. She had said that she believed she could have offered to send them when Mr Ward showed disappointment at not being able to find them himself on Pupil A's [REDACTED] social media profile.

The panel found allegation 1(d) not proven.

e) Offering to pay Pupil A in exchange for one or more explicit images of herself;

The panel noted that this allegation was not admitted.

The panel noted that Mr Ward denied that he requested images of Pupil A and that he offered to pay for them. Mr Ward admitted that he did receive one or more explicit images from Pupil A, but submitted that these images, though received, were not viewed by him.

The panel noted Pupil A's evidence which was that, on 1 August 2018, Pupil A was on a [REDACTED] and had been speaking to Mr Ward. They discussed a site called '[REDACTED]' which is a social network site based upon [REDACTED], where pictures can be uploaded, often of a sexual nature. Pupil A told Mr Ward that she had previously had an account but that she had deleted it. He asked her for the account name so that he

could check that it had been deleted, which Pupil A gave to him. Mr Ward said something to the effect of “*yeah it’s gone, I’m a bit disappointed*”. Pupil A told Mr Ward that she still had the pictures on her phone. Pupil A could not recall if it was her who offered to send Mr Ward the pictures, or whether he requested them. Pupil A recalled that Mr Ward had offered to pay for them but he also said she would have to go to his house for payment.

The panel heard oral evidence from Pupil A who commented that Mr Ward “*knew [she] never had money*” and that she was “[REDACTED] and needed money.” However, the panel could not find sufficient evidence, on the balance of probabilities, of Mr Ward having offered to pay Pupil A in exchange for one or more explicit images of Pupil A.

The panel found allegation 1(e) not proven.

f) Receiving one or more explicit images of Pupil A;

The panel noted that this allegation was admitted although Mr Ward had denied viewing the images.

The panel noted that Mr Ward denied that he requested images of Pupil A and also denied that he offered to pay for them. Mr Ward admitted that he did receive one or more explicit images from Pupil A, but submitted that these images, though received, were not viewed by him.

The panel noted that there was documentary evidence from the police investigation in the bundle of Mr Ward receiving one or more explicit images of Pupil A.

The panel found that this contact amounted to Mr Ward engaging in and/or developing an inappropriate relationship with Pupil A by receiving one or more explicit images of Pupil A in the relevant timeframe.

The panel found allegation 1(f) proven.

g) Discussing and/or requesting that Pupil A meet him 1:1;

The panel noted that this allegation was not admitted.

The panel noted that Mr Ward admitted that he discussed meeting with Pupil A outside of the School. The panel also noted that Mr Ward’s position was that this was not intended to be 1:1 as his [REDACTED] would have been with him and therefore they would not have been alone and he made this clear to Pupil A at the time.

The panel found that there was one occasion where Mr Ward said that he would have his [REDACTED] with him but the panel thought that the presence of a [REDACTED] would not prevent any inappropriate conversations or behaviour at such a meeting. The panel also found that it did not change Pupil A’s understanding of what might happen at such a meeting.

The panel considered Pupil A's oral evidence which was that Mr Ward had said that he would arrange childcare so that they could meet 1:1 but noted that Mr Ward was not present to give evidence on this point. The panel noted that there were several messages in the bundle where Mr Ward was asking about the arrangements for them meeting and was pushing Pupil A for an answer. The panel also noted that there was evidence in the bundle where Mr Ward emailed Pupil A saying "*I was looking forward to meeting up, but you were indifferent, without explanation...*" Also that he had said "*tell me what you'd prefer in terms of meeting.*"

The panel concluded that, on the balance of probabilities, Mr Ward was more likely than not to have discussed or requested to meet with Pupil A 1:1. The panel noted this exchange and the fact that Mr Ward referred to them both having "*lost a friend*" and apologising for his "*behaviour*" and that this was inappropriate contact between them.

The panel found that this contact amounted to Mr Ward engaging in and/or developing an inappropriate relationship with Pupil A by discussing and requesting that they meet 1:1 in the relevant timeframe.

The panel found allegation 1(g) proven.

h) Discussing and/or requesting that Pupil A share a hotel room with him;

The panel noted that this allegation was not admitted.

Whilst the panel considered that Pupil A's recollection of Mr Ward planning for them to share a room in a hotel a year ahead when she was [REDACTED] to be a feasible recollection, the panel was unable to find any evidence in the documentation before it of Mr Ward having discussed or requested getting a hotel room for them.

The panel did not find this particular allegation proven on the balance of probabilities despite the other inappropriate exchanges between Mr Ward and Pupil A. The panel did not find any evidence of Mr Ward requesting they share a hotel room.

The panel found allegation 1(h) not proven.

i) Discussing and/or requesting that Pupil A engage in sexual activity with him; and

The panel noted that this allegation was not admitted.

The panel considered the evidence in the bundle and the comments made by Mr Ward such as "*...you try to constantly maintain an air of I'm not that important to you...*" and that he "*should never have acted the way [he] did.*" The panel also noted Pupil A's evidence which was that she and Mr Ward often discussed her personal life, including her dating life and that Pupil A said that Mr Ward sometimes gave her hugs during School.

The panel noted that Pupil A confirmed that, at no point did she go to his house, meet up with him elsewhere, or engage in sexual activity with him.

Although the panel noted that Mr Ward admitted that whilst communicating with Pupil A, he engaged in inappropriate conversations and discussed matters of a sexual nature with Pupil A, they did not find that there was evidence before it which suggested that Mr Ward and Pupil A had engaged in sexual activity. The panel did not find evidence that Mr Ward had discussed or requested that Pupil A engage specifically in sexual activity with him despite Pupil A saying in oral evidence that she felt that this was intimated. The panel did note that it was concerning that Pupil A was given the impression by Mr Ward that this is what would happen but did not find explicit evidence of or reference to “sexual activity.” The panel carefully considered the definition of sexual activity in reaching its decision.

The panel found allegation 1(i) not proven.

j) Stating to Pupil A that he would “dominate” her or words to that effect;

The panel noted that this allegation was not admitted.

The panel did not find any explicit evidence or reference to Mr Ward saying that he would “dominate” her although it noted that Pupil A disclosed to Mr Ward that one of her [REDACTED]. The panel noted Pupil A’s evidence which was that, on one occasion, Mr Ward told Pupil A that he would book them a room in a hotel at the [REDACTED] and discussed how they would get to the room under the pretence of discussing things that he had been unable to discuss as her teacher, and that whilst there he would [REDACTED] and dominate her. On the balance of probabilities the panel did not consider there was sufficient evidence to find this allegation proven.

The panel found allegation 1(j) not proven.

The panel found allegations 1(a), 1(b), 1(c), 1(f) and 1(g) proven and allegations 1(d), 1(e), 1(h), 1(i) and 1(j) not proven.

2. His conduct as may be found proven at Allegation 1(a)-(j) was notwithstanding that Pupil A was a vulnerable pupil; and

The panel noted that this allegation was admitted.

The panel noted that in Mr Ward’s own statement he acknowledged that Pupil A was vulnerable. The panel also noted that the School considered Pupil A to be vulnerable. Mr Ward stated that he considered himself to be a support to Pupil A. Pupil A described Mr Ward as her best friend; she trusted him more than anyone and he was always her first point of contact when she had any issues.

Mr Ward admitted that his conduct was notwithstanding the fact that Pupil A was vulnerable and that he was aware that she was vulnerable during her time at the School.

Pupil A explained that she was [REDACTED] a number of times throughout her time at the School, for various reasons. Mr Ward was aware of her vulnerabilities and had personally [REDACTED] on at least 3 occasions. Mr Ward was also aware that [REDACTED] in June 2018 and this was when the messages began. The panel was concerned that the first contact made by him was following [REDACTED] and was made anonymously and via a personal means of contact.

The panel found allegation 2 proven.

3. His conduct as may be found proven at Allegation 1(a)-(j) was conduct of a sexual nature and/or was sexually motivated.

The panel noted that this allegation was not admitted.

The panel noted that Mr Ward denied that his conduct was of a sexual nature and/or sexually motivated, though he accepted that his conduct involved inappropriate discussions of a sexual nature.

The panel also noted that Mr Ward had admitted to receiving photographic images of Pupil A which were of a sexual nature although he denied having viewed them. The panel considered that Mr Ward knew what the pictures would be before receiving them and that they were of a sexual nature. The panel did not consider there to be any plausible explanation given for receiving these images other than the potential for sexual gratification and, therefore, on the balance of probabilities, this was more likely to be sexually motivated than not.

The panel considered Pupil A's evidence which was that Mr Ward tried calling Pupil A on 23 August 2018 from a blocked number but when she realised it was him she hung up. Mr Ward followed up with an email saying "*where do I stand*" and then sent a further email saying "*I have a son, I need to know what to prepare for him if I'm going to prison, please let me know*".

The panel noted that it was concerning that Pupil A was given the impression by Mr Ward that something sexual would happen if they were to meet up. The panel carefully considered the definition of sexual nature and sexual motivation in reaching its decision.

The panel's attention was drawn to section 78 *Sexual Offences Act 2003* and to the cases of *Sait v The General Medical Council [2018]*, *Basson v General Medical Council [2018]* and *The General Medical Council v Haris [2020] EWHC 2518*.

The panel considered whether the conduct was sexually motivated. It noted that in *Basson* it was stated that "*A sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a sexual relationship*".

The panel was also mindful of the Court of Appeal's conclusion in *General Medical Council v Haris* [2021] EWCA Civ 763. The court found in that case that, *"In the absence of a plausible innocent explanation for what he did, the facts spoke for themselves."*

The panel found that some of the conduct found proven was inherently sexual. In addition, some of the conduct could be deemed to be in pursuit of a sexual relationship including some of the inappropriate discussions that Pupil A and Mr Ward had about sexual and personal matters. The panel also considered that Mr Ward had said in writing to Pupil A *"I have a [REDACTED], I need to know what to prepare for him if I'm going to prison, please let me know."*

The panel considered whether there was a *"plausible innocent explanation"* for Mr Ward's behaviour.

The panel could not find a *"plausible innocent explanation"* for the conduct. The panel felt that the pattern of behaviour suggested an intent for sexually motivated contact and/or discussions of a sexual nature with Pupil A and found that this amounted to, on the balance of probabilities, conduct which was of a sexual nature and/or was sexually motivated.

The panel found allegation 3 proven.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found a number of the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Mr Ward admitted that the admitted facts of allegations 1(a), 1(b), 1(c), 1(f) and 2 amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher misconduct: The prohibition of teachers, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Mr Ward, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Ward was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Ward amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Ward's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that the offence of sexual communication with a child and any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents were relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegations took place outside the education setting in that Mr Ward was communicating with Pupil A outside of school hours, via telephone and email, and about topics that did not concern education. Despite this, given that Mr Ward was Pupil A's teacher, the panel believed that Mr Ward's conduct was relevant to his profession as a teacher.

Accordingly, the panel was satisfied that Mr Ward was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

The panel therefore found that Mr Ward's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1(a), 1(b), 1(c), 1(f) and 1(g), 2 and 3 proved, the panel further found that Mr Ward's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have a punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Ward which involved engaging in/and or developing an inappropriate relationship with Pupil A in several ways including discussing matters of a sexual nature and receiving sexual images which suggested a sexual motive, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ward was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Ward was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Ward. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Ward. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been reported or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Ward's actions were not deliberate.

There was no evidence to suggest that Mr Ward was acting under extreme duress, and, in fact, the panel found Mr Ward's actions to be calculated and motivated.

No evidence was submitted to attest to Mr Ward's history or ability as a teacher save for a relatively limited comment about Mr Ward being a conscientious physics teacher. Nor was any evidence submitted which demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector. Mr Ward did not provide any character witnesses.

Mr Ward outlined some of the difficulties that he had been facing. Mr Ward stated that he had been [REDACTED]. However, the panel noted that no medical evidence had been provided by Mr Ward.

Mr Ward submitted that he has had a lot of time to reflect on his actions and stated that he had deep regret and shame. Mr Ward understood that he had let many people down, including the pupils and the staff at the School as well as his friends and family.

Mr Ward submitted that during the 2017-2018 academic year he had taken on the role of joint head of science of a department that was critically understaffed. This, combined with having a [REDACTED] at home, resulted in Mr Ward suffering with [REDACTED] very frequently. Mr Ward said that his doctor explained that this could have been [REDACTED]. Mr Ward said that he had raised these concerns with the School and his GP, however very little support was put in place at the time. However, the panel was not provided with medical evidence and, did not consider the mitigating factors presented by Mr Ward to be sufficient to justify the inappropriate behaviours shown towards Pupil A which had taken place on more than one occasion.

Mr Ward explained that he became a very popular teacher, with students often wanting to spend time with him outside of class. Mr Ward felt that he was left in a position where he thought he had individual responsibility for Pupil A and allowed himself to get into a position where interactions were too familiar. Mr Ward stated that it was due to a disclosure that Pupil A was in danger that he made contact anonymously. Looking back, however, Mr Ward felt horrified that he had provided Pupil A with his personal email address and understood this was wrong.

Mr Ward explained that he felt distressed and ashamed about what happened and wanted to offer sincere apologies to both Pupil A and the School. The panel noted Mr Ward's comments and explanations in mitigation but was concerned that these were not sufficiently compelling.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Ward of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Ward. The panel noted that Mr Ward had not engaged in the School's internal investigation and had shown limited engagement in the TRA process although this was not the main deciding factor for the panel. Mr Ward's sexually motivated and serious actions and behaviours and his relatively weak display of insight into those actions was a significant factor in determining that a prohibition order was appropriate. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed.

The panel went on to consider whether or not it would be appropriate to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order set aside after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include:

- Serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons;
- Any sexual misconduct involving a child; and
- Any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

The panel found that Mr Ward was responsible for engaging in an inappropriate relationship with Pupil A that was of a sexual nature/sexually motivated.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel did not find that any of these behaviours were relevant. The panel did not have any evidence before it which indicated that Mr Ward had demonstrated sufficient insight into his actions or that gave the panel confidence that he would not repeat such behaviour in the future.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven (specifically allegations 1(d), 1(e), 1(h), 1(i) and 1(j)). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Sean Ward should be the subject of a prohibition order, with no provision for a review period. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Ward is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Mr Ward involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE)

The panel finds that the conduct of Mr Ward fell significantly short of the standards expected of the profession.

In its considerations, the panel also took account of the Advice which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- an abuse of any trust, knowledge or influence gained through their professional position in order to advance a romantic or sexual relationship with a pupil or former pupil;
- sexual misconduct, for example, involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- dishonesty or a lack of integrity, including the deliberate concealment of their actions or purposeful destruction of evidence, especially where these behaviours have been reported or had serious consequences, or involved the coercion of another person to act in a way contrary to their own interests.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession

into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Ward, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. In its recommendation the panel states that “In the light of the panel’s findings against Mr Ward which involved engaging in/and or developing an inappropriate relationship with Pupil A in several ways including discussing matters of a sexual nature and receiving sexual images which suggested a sexual motive, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate relationships with children.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “There was no evidence that Mr Ward’s actions were not deliberate.”. It goes on to state that “There was no evidence to suggest that Mr Ward was acting under extreme duress, and, in fact, the panel found Mr Ward’s actions to be calculated and motivated.”.

The panel also notes that Mr Ward had outlined that he had been suffering with a number of [REDACTED] issues at the time that the matters under consideration had occurred but goes on to state both that “no medical evidence had been provided by Mr Ward” and that it “did not consider the mitigating factors presented by Mr Ward to be sufficient to justify the inappropriate behaviours shown towards Pupil A which had taken place on more than one occasion.”. The panel also records that Mr Ward had reflected on his actions and had explained that “he felt distressed and ashamed about what happened and wanted to offer sincere apologies to both Pupil A and the school” but goes on to state that “...it was concerned that these were not sufficiently compelling.”. In light of the seriousness of the Panel’s findings I have given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Ward was not treated with the utmost seriousness when regulating the conduct of the profession.”. I am particularly mindful of the findings against Mr Ward which involved engaging in/and or developing an inappropriate relationship with Pupil A in several ways including discussing matters of a sexual nature and receiving sexual images which suggested a sexual motive in this case and the impact that such findings have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to

consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order Mr Ward himself. The panel states that “No evidence was submitted to attest to Mr Ward’s history or ability as a teacher save for a relatively limited comment about Mr Ward being a conscientious physics teacher. Nor was any evidence submitted which demonstrated exceptionally high standards in both personal and professional conduct or that he had contributed significantly to the education sector.”.

A prohibition order would prevent Mr Ward from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force. However, given the limited evidence of Mr Ward’s history or ability as a teacher, and the seriousness of the panel’s findings, I have given less weight to the contribution he has made to the profession.

In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

In its recommendation the Panel notes that the Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. These behaviours include:

- Serious sexual misconduct, such as where the act was sexually motivated and resulted in, or had the potential to result in, harm to a person or persons, particularly where the individual has used his professional position to influence or exploit a person or persons;
- Any sexual misconduct involving a child; and

- Any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting such activity, including one-off incidents.

The panel found that Mr Ward was responsible for engaging in an inappropriate relationship with Pupil A that was of a sexual nature/sexually motivated and felt that "...it did not have any evidence before it which indicated that Mr Ward had demonstrated sufficient insight into his actions or that gave the panel confidence that he would not repeat such behaviour in the future."

In light of this, the panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

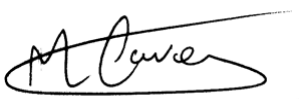
I have considered whether not allowing a review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the panel's findings against Mr Ward which involved engaging in/and or developing an inappropriate relationship with Pupil A in several ways including discussing matters of a sexual nature and receiving sexual images which suggested a sexual motive and the lack of full insight and/or remorse

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Sean Ward is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Sean Ward shall not be entitled to apply for restoration of his eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Mr Sean Ward has a right of appeal to the King's Bench Division of the High Court within 28 days from the date he is given notice of this order.



Decision maker: Marc Cavey

Date: 23 May 2023

This decision is taken by the decision maker named above on behalf of the Secretary of State.